

NTSB Order No. EA-4483

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD  
at its office in Washington, D.C.  
on the 6th day of September, 1996

Respondent.

In addition to the fact that respondent did not file his notice of appeal within 10 days after the law judge's June 6 order, as required by Section 821.47 of the Board's Rules of Practice (see 49 CFR Part 821), and has provided no explanation for the delay, he has also failed to perfect that appeal by filing, within 30 days after the service date of the law judge's order, an appeal brief to perfect the tardy appeal. The appeal is thus subject to the Board's *sua sponte* dismissal under Section 821.48(a).<sup>3</sup>

**ACCORDINGLY, IT IS ORDERED THAT:**

The respondent's appeal from the law judge's June 6, 1996 order is dismissed.

HALL, Chairman, FRANCIS, Vice Chairman, HAMMERSCHMIDT, GOGLIA, and BLACK, Members of the Board, concurred in the above order.

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<sup>3</sup>Sections 821.47 and 821.48(a) provide as follows:

**§ 821.47 Notice of Appeal.**

(a) A party may appeal from a law judge's order or from the initial decision by filing with the Board and serving upon the other parties (pursuant to §821.8) a notice of appeal within 10 days after an oral initial decision or an order has been rendered or a written decision or a final or appealable (see § 821.16) order has been served....

**§ 821.48 Briefs and oral argument.**

(a) Appeal briefs. Each appeal must be perfected within 50 days after an oral initial decision has been rendered, or 30 days after service of a written initial decision, by filing with the Board and serving on the other party a brief in support of the appeal. Appeals may be dismissed by the Board on its own initiative or on motion of the other party, in cases where a party who has filed a notice of appeal fails to perfect his appeal by filing a timely brief.